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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA, } No. CR 08-0479- JW  
13 Plaintiff, }  
14 v. }  
15 LUIS ENRIQUE DEMETRIO MENDOZA }  
16 a/k/a DEMETRIO MENDOZA, }  
17 a/k/a LUIS E. MENDOZA, }  
18 Defendant. }  
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**STIPULATION AND  
[PROPOSED] ORDER REGARDING  
EXCLUSION OF TIME**

20 The defendant came before the Court for arraignment status conference on July 29, 2008. At  
21 that hearing, the case was set for status conference on September 15, 2008.

22 The parties agreed, and the Court found, that the time between July 29, 2008 and September  
23 15, 2008, is properly excluded under the Speedy Trial Act, Title 18, United States Code, Sections  
24 3161(h)(8)(A) and (h)(B)(iv). The parties represent and this Court found that the this delay is  
25 necessary to allow counsel for the Defendant to receive and review discovery to effectively  
26 prepare for trial. The parties agree that the ends of justice served by granting the requested  
27 continuance outweigh the best interest of the public and the defendants in a speedy trial.  
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1 For the foregoing reasons, and as stated on the record at the hearing on July 29, 2008, the  
2 Court HEREBY ORDERS the period between July 29, 2008 and September 15, 2008, is  
3 excluded from the speedy trial calculation under Title 18, United States Code, Sections  
4 3161(h)(8)(A) and (h)(B)(iv).

5

6 DATED: July 31, 2008

/s/ Cynthia Stier  
CYNTHIA STIER  
Counsel for United States

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8 DATED: July 31, 2008

/s/ Frederic Warner  
FREDERIC WARNER  
Counsel for Luis Mendoza

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10 ORDER

11 For the foregoing reasons, the Court HEREBY ORDERS the period between July 29, 2008  
12 and September 15, 2008, excluded from the speedy trial calculation under Title 18, United States  
13 Code, Sections 3161(h)(8)(A) and (h)(B)(ii) and (iv). The Court finds that the failure to grant the  
14 requested continuance would unreasonably deny defense counsel the reasonable time necessary  
15 for effective preparation. The Court finds that the ends of justice served by granting the  
16 requested continuance outweigh the best interest of the public and the defendant in a speedy trial  
17 and in the prompt disposition of criminal cases.

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19 IT IS SO ORDERED.

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DATED: 8/5/08

*James W. Ware*  
JAMES WARE  
United States District Judge

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28 Stipulation and [proposed] Order  
Regarding Exclusion of Time,  
No. CR 08-749 JW